

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 619
Case No. 88-34M/70-3
(PUD Modification - Childrens Hospital)
July 10, 1989

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on April 13, 1989 to consider the application from the Children's Hospital National Medical Center for review and approval of a modification of a Planned Unit Development ("PUD") pursuant to Chapter 24 of the Zoning Regulations of the District of Columbia, DCMR, Title 11, Zoning. The public hearing was conducted in accordance with the provisions of Chapter 30 of that title.

FINDINGS OF FACT

1. The application which was filed by the Children's Hospital National Medical Center was filed on December 20, 1988, and requested review and approval of a modification to a previously approved PUD for Lot 12, Square 3129. The Commission approved this two-Phase PUD on April 23, 1970, in Case No. 70-3, Z.C. Order No. 14. In this Order, the Commission re-zoned the site from R-5-A to SP-2. The site is currently zoned SP-2 today.
2. The Commission, in Order No. 14, approved the development of a new hospital to be constructed in two phases. Phase I allowed the construction of a 4-story building, 91.5 feet in height, with a floor area ratio ("FAR") of 1.307. The allowable lot occupancy was 40.8%. The Commission also approved an underground parking facility for 1,000 vehicles. Phase I of the construction was approved by the Board of Zoning Adjustment in BZA Order No. 10369, and construction of that phase was completed in 1972. Phase I contained 881 parking spaces.
3. The PUD site is located in the western portion of Square 3129 and is bounded by Irving Street, N.W. to the north, Michigan Avenue, N.W., to the south and North Capitol Street to the east. Square 3129 contains 46.32 acres.

4. Children's Hospital now proposes to construct Phase II of the PUD with three components. First, Children's Hospital proposes to construct a 7-story structure at the western end of the existing building. The new structure will be located in a triangular area bounded by the existing building, Michigan Avenue, and the rear service drive. This structure is to be constructed over an exterior plaza located immediately to the west of the existing hospital. Because the structure will provide administrative space, it will not require interstitial space between floors. Therefore, its height will be equal to the 4-story structure of the existing hospital. This new structure will contain approximately 100,000 square feet and be constructed of glass, concrete and steel with appropriate entrances for the components of the hospital facility. The structure will contain faculty offices, conference and educational facilities, storage space, and administrative and support services.
 5. Second, Children's Hospital also proposes to relocate the existing helipad from its location on the ground just to the east of the existing building to the roof top of the existing roof structure. The relocation will provide a more efficient facility for receiving critically injured patients. The roof top location will provide the most direct access to the critical care facilities of the hospital. The helicopter pad will be served by an elevator which will go directly to the treatment facilities below. A new penthouse will be built to house the elevator structure to reach the level of the helicopter landing pad. The relocated pad has been approved by the Federal Aviation Administration and is directly accessible to the appropriate flight path.
 6. Third, Children's Hospital proposes to construct additional underground parking. This will be provided by a new facility located underneath the site of the existing helipad. The new facility will provide an additional 652 parking spaces. The addition of these spaces will provide adequate parking to meet the contemporary needs of the hospital. This parking facility will not only serve the medical office building but will provide convenient access to the rest of the medical center. Section 2101 of the Zoning Regulations would require the provision of 337 parking spaces. The original Commission Order for the PUD approved 1,000 spaces and 882 were actually built. With the additional spaces, a total of 1,535 spaces will be provided on the site and will meet the parking needs of the hospital for the immediate future.
 7. The Commission originally approved an increase in the
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height of the structure to a total of 127,5 feet. The original Phase II was to use the additional height to construct two additional floors on top of the existing building, which measures 91.5 feet in height. Children's Hospital proposes to modify the Phase II approval by constructing the new west addition instead of the additional stories as previously approved. With the addition of the helicopter landing pad, the proposed project is 126 feet in height, well within the guidelines originally set for Phase II. Also, the Commission approved a total FAR of 2.45 for Phase II of the project. The total FAR of the newly configured building will be 1.65, well within the original Phase II guidelines and the SP-2 PUD guideline of 4.5.

8. Square 3129 contains numerous medical facilities including the Washington Hospital Center, the National Rehabilitation Hospital, the Veterans Administration Hospital, the Physicians Office Building, the Nurses Home and the Hyman Building. Directly to the north and south of Square 3129 are federal facilities, which are un-zoned, including the United States' Soldier's Home to the north, and the McMillan Reservoir to the south. Adjacent to the McMillan Reservoir is the District of Columbia Filtration Station.
9. The SP-2 District permits matter-of-right medium/high density development including all kinds of residential uses, with limited offices for non-profit organizations, trade associations and professionals permitted as a special exception requiring approval of the BZA, to a maximum height of ninety feet, a maximum floor area ratio (FAR) of 6.0 for residential and 3.5 for other permitted uses, and a maximum lot occupancy of eighty percent for residential uses.
10. The subject site is located in Ward 4. The Generalized Land Use Map of the Comprehensive Plan designates the site as "institutional". This designation appears to recognize the traditional use of the site and its surroundings as hospital facilities. Therefore, Children's Hospital will be seeking to further develop the site as an institutional use in accordance with the Comprehensive Plan. The area surrounding the site is characterized by a mixture of uses which are institutional on a north-south axis and residential on an east-west axis. Located nearby are Glenwood Cemetery, Howard University and Catholic University. There is no abutting residential property.
11. Under the PUD process of the Zoning Regulations, the Commission has the authority to impose development conditions, guidelines and standards which exceed or are less than matter-of-right standards. The PUD

guidelines for development in the SP-2 District permit a building height of 90 feet and 4.5 FAR.

12. Because of the special character of Children's Hospital, the amenities provided by this project are somewhat different than those provided within the usual PUD. This PUD will provide the following amenities:
 - a. enhanced delivery of Children's Hospital's high quality, nationally recognized health services to the community.
 - b. improved Children's Hospital's educational, research, and administrative services.
 - c. the provision of high quality superior design reflecting of the architectural character of the building previously approved which provides a strong visual identity for a building in a prominent location.
 - d. a commitment to let a certain percentage of construction contracts to certified minority businesses.
 - e. a commitment for a first-source employment agreement with the Department of Employment Services.
 - f. improvement of emergency care treatment because of the helipad's proximity to the emergency services, thus saving crucial seconds during the treatment of an emergency care patient.
13. Under Section 2403.10 of the Zoning Regulations, to exceed the FAR guidelines, Children's Hospital must justify the public benefits resulting from the additional relief. In this case, the granting of the requested relief will result in the continuation of high quality pediatric services. Both height and FAR of the modified Phase II are within the guidelines established for the original Phase II by the Commission.
14. The Zoning Regulations require that off-street parking be provided, pursuant to Section 2100. The total parking requirement for Children's Hospital is 337 spaces. The hospital proposes to provide 1,540 spaces. The additional spaces will be meet the parking needs of the hospital for the immediate future.
15. The District of Columbia Office of Planning ("OP"), by a report dated March 30, 1989, recommended approval of this application. OP stated that the applicant's

proposal was not inconsistent with the objectives of the Comprehensive Plan and fell within the SP-2 PUD development guidelines. OP was further of the opinion that the applicant's proposal is in keeping with the type of institutional development and activity that is appropriate for this area of the city.

16. Advisory Neighborhood Commission ("ANC") 4D voted to support this application at its regular meeting held on March 14, 1989.
17. No opposition to this application was presented at the hearing.
18. Children's Hospital has requested flexibility in the final design of the building addition, helipad, and parking facility.
19. There were no statements in support or opposition to the Project.
20. The Commission finds that Children's Hospital meets the intent and purpose of the Zoning Regulations and the Planned Unit Development process.
21. The Commission finds that the proposed development is not inconsistent with the Comprehensive Plan for the National Capital.
22. The Commission finds that there are sufficient public benefits and amenities in the application beyond that which would be obtained under matter-of-right development of the site.
23. The Commission finds that the height and density of the proposed new structure is suitable for the site. Its scale and design are compatible with the existing building and the buildings in the vicinity.
24. As to the request for design flexibility by Children's Hospital, the Commission finds that the requests would further aid the development of Children's Hospital.
25. The proposed action of the Commission was referred to the National Capital Planning Commission ("NCPC"), under the terms of the District of Columbia self-government and Government Reorganization Act. The NCPC, by report dated July 3, 1989, indicated that the proposed action of the Commission would not affect adversely the federal establishment or other federal interests in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling development of the subject site because control of the use and site plan is essential to ensure compatibility with the neighborhood.
2. The development of this PUD carries out the purpose of Section 2400, which is to encourage the development of well-planned residential, institutional and mixed-use developments which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.
3. The development of this PUD is compatible with city-wide goals, plans and programs, and is sensitive to environmental protection and energy conservation.
4. Approval of this PUD application is not inconsistent with the Comprehensive Plan for the National Capital.
5. Approval of this PUD application is consistent with the purposes of the Zoning Act.
6. The proposed PUD application can be approved with conditions which ensure that the development will not have an adverse affect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.
7. Approval of this PUD application will promote orderly development in conformity with the entirety of the District of Columbia Zone Plan as embodied in the Zoning Regulations and Map of the District of Columbia.
8. The Zoning Commission has accorded to the Advisory Neighborhood Commission ("ANC") 4D the "great weight" to which it is entitled.
9. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law, the District of Columbia Zoning Commission orders APPROVAL of the application for consolidated review and modification of a previously approved PUD for Lot 2, Square 3129 in the southern portion of the square located near Michigan Avenue, N.W., and Irving Streets, N.W. The approval of this PUD is subject to the following guidelines, conditions and standards:

1. The PUD shall be developed in accordance with the plans submitted by Ellerbe Becket Architects, marked as Exhibit No. 20B, as modified by the guidelines, conditions and standards of this order.
2. Lot 2 shall be additionally developed with an addition to the existing hospital building, which will contain institutional uses, a helipad, and a parking facility for an additional 654 cars.
3. The height of the building shall not exceed 127.5 feet and shall have six (6) stories.
4. The percentage of lot occupancy for the building shall not exceed 59.4%.
5. The overall floor area ratio (FAR) for the entire PUD site shall not exceed 2.45.
6. The overall project shall contain no less than 1540 parking spaces as shown on the plan marked as Exhibit No. 20B.
7. The building materials for the project and the theme of design shall match the materials and design theme of the existing main building.
8. The applicant is granted flexibility in the final detailing of the building with respect to the following matters:
 - a. Varying the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, rooms, so long as the variation do not change the exterior configuration of the building, including the penthouse;
 - b. Varying the design and arrangement of components within the enclosure of the penthouse;
 - c. Varying the arrangement of the parking spaces and modification to the below grade space to provide the opportunity for storage and other space to serve the proposed users of the building, provided that the total number of parking spaces is not less than 1540; and
 - d. Allowing the flexibility permitted, pursuant to the provisions of 11 DCMR 2407.6.
9. The material covering any new penthouse shall be

- compatible with the material covering the existing penthouses. The penthouse shall not be greater than 14 feet in height.
10. The applicant shall build the east addition to the existing structure in accordance with the guidelines, conditions and standards of Phase II of Zoning Commission Order No. 14, and provided that the integrity and theme of design of the main building be maintained and extended to the east addition.
 11. Prior to the issuance of a building permit, the applicant shall implement a program with the Department of Employment Services to provide first-source jobs hiring for District residents.
 12. No building permit shall be issued for the sites until the applicant has recorded a covenant in the land records of the District of Columbia, between the owner and the District of Columbia, and satisfactory to the Office of the Corporation Counsel and the Zoning Regulations Division of the Department of Consumer and Regulatory Affairs (DCRA), which covenant shall bind the applicant and its successors in title to construct on and use this property in accordance with Z.C. Order No. 14 or amendments thereto, including this order of the Zoning Commission.
 13. The Zoning Secretariat shall not release the records of this case to the Zoning Regulations Divisions of DCRA, until the applicant has filed a certified copy of said PUD covenant with the records of the Zoning Commission.
 14. This modification to the PUD approved by the Commission shall be valid for a period of two years from the effective date of this order. Within that time, application must be filed for the building permit, as specified in 11 DCMR 2407.2 and 2407.3. Construction shall start within one year of the effective date of this order.
 15. Pursuant to D.C. Code sec. 1-2531 (1987), section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply fully with the provisions of D.C. Law 2-38, as amended, codified as D.C. Code, Title 1, Chapter 25 (1987), and this Order is conditioned upon full compliance with those provisions. Nothing in this order shall be understood to require the Zoning Regulations Division/DCRA to approve permits, if the applicant fails to comply with any provision of D.C. Law 2-38, as amended.

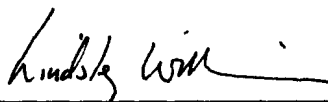
Vote of the Zoning Commission at the public hearing on April 13, 1989: 3-0 (Maybelle Taylor Bennett, Lloyd D. Smith,

Lindsley Williams to approve with conditions, Elliott Carroll and John G. Parsons, present, not voting).

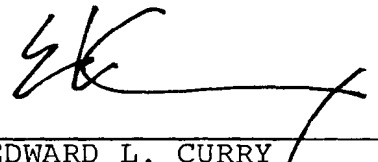
This order was adopted by the Zoning Commission at the monthly meeting on July 10, 1989 by a vote of 3-0 (Maybelle Taylor Bennett, Lloyd D. Smith and Lindsley Williams to approve, John G. Parsons, present, not voting, William L. Ensign, not voting not having heard the case).

Pursuant to 11 DCMR 3028, this order is final and will take effect upon publication in the D.C. Register, that is

JUL 28 1989



LINDSLEY WILLIAMS
Chairman
Zoning Commission



EDWARD L. CURRY
Executive Director
Zoning Secretariat

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